

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Edmond Goodman,)	
)	
Petitioner,)	
)	C/A No. 0:17-cv-00553-TLW
vs.)	
)	
Scott Lewis)	ORDER
)	
Respondent.)	
_____)	

Petitioner Edmond Goodman filed this *pro se* habeas petition pursuant to 28 U.S.C. § 2254 on February 27, 2017. (ECF No. 1). Respondent Scott Lewis filed a motion for summary judgment on April 28, 2017 (ECF No. 8), to which Petitioner filed a response in opposition (ECF No. 15) on June 26, 2017. A reply to Petitioner’s response was submitted by Respondent on July 3, 2017. (ECF No. 16).

This matter is before the Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Paige J. Gossett, to whom this case was assigned pursuant to 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2)(e), (D.S.C.). (ECF No. 18). In the Report, the Magistrate Judge recommends that this Court grant Respondent’s motion for summary judgment and that the Petition be dismissed. (ECF No. 18). Petitioner filed objections to the Report and Respondent filed a reply. (ECF Nos. 23, 24). This matter is now ripe for disposition.

In reviewing the Report, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections.... The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those

portions of the report or specified finding or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusion of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Hous. Auth. of City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of this standard, the Court closely reviewed *de novo* the Report, Petitioner's objections to the Report, Respondent's reply in support of the Report, the relevant law, and the record in this case. Petitioner's objections do not change the conclusion reached by the state courts and the Magistrate Judge that Petitioner's claims have no merit. Accordingly, it is hereby **ORDERED** that Petitioner's objections (ECF No. 23) are **OVERRULED**, and the Report (ECF No. 18) is **ACCEPTED**. For the reasons articulated by the Magistrate Judge, Respondent's motion for summary judgment (ECF No. 8) is **GRANTED**.

This Court has reviewed this Petition in accordance with Rule 11 of the Rules Governing Section 2254 Proceedings. The Court concludes that it is not appropriate to issue a certificate of appealability as to the issues raised herein. Petitioner is advised that he may seek a certificate from the Fourth Circuit Court of Appeals under Rule 22 of the Federal Rules of Appellate Procedure.

IT IS SO ORDERED.

s/Terry L. Wooten
Chief United States District Judge

January 26, 2018
Columbia, South Carolina